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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 PAEAIMULI LAPOTA,)
09) CASE NO. C11-0821-JLR
10 Petitioner,)
11 v.)
12) REPORT AND RECOMMENDATION
13 ERIC HOLDER, Attorney General of the)
United States, et al.,)
14 Respondents.)
15 _____)

14 On May 13, 2011, petitioner Paeaimuli Lapota, proceeding through counsel, filed a
15 Petition for Writ of Habeas Corpus, a Writ of Mandamus, and Complaint for Declaratory Relief
16 pursuant to 28 U.S.C. § 2241, challenging his detention by the United States Immigration and
17 Customs Enforcement (“ICE”), and his March 24, 2011, order of removal. (Dkt. No. 1.) On
18 June 15, 2011, however, the parties filed a Joint Stipulation and Proposed Order Dismissing
19 Habeas Petition and Complaint along with documentation which indicates that petitioner was
20 released from immigration custody on May 31, 2011, and his order of removal was rescinded on
21 June 7, 2011. (Dkt. No. 9, Exs. A and B.) The parties agree that this matter has become moot
22 and may be dismissed with prejudice and without award of fees or costs to either party. *Id.*

01 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
02 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.
03 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no
04 longer in immigration custody and his removal order was rescinded, the Court finds that
05 petitioner’s habeas petition is moot and should be dismissed with prejudice and without award
06 of fees or costs to either party. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir.
07 1992)(holding that the District Court properly dismissed plaintiff’s claims that had become
08 either moot or unripe). A proposed Order accompanies this Report and Recommendation.

09 DATED this 16th day of June, 2011.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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